

FILED

DEC -2 2022

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARL A. WESCOTT
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Scottsdale, AZ 85258
in propria persona
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**UNITED STATES DISTRICT COURT
DISTRICT OF CALIFORNIA
NORTHERN DISTRICT**

CARL A. WESCOTT,

Plaintiff,

vs.

Civil Action No. 22-CV-04651-DMR

**PLAINTIFF'S RESPONSE TO THE
COURT'S ORDER TO SHOW CAUSE RE
SUBJECT MATTER JURISDICTION**

CHARLES DUNN;
CHRISTOPHER MERCER;
MERIDIAN DEVELOPMENT
GROUP, LLC

Plaintiff Carl Wescott, proceeding *pro se*, hereby responds to the Court's Order to Show Cause in which the Court was concerned that the Plaintiff's case may not have diversity of citizenship as defined in 28 USC § 1332. The Plaintiff, a legal layperson, admits that though he identified his own residence, as well as the locations of the long-time residences of Defendants Mr. Mercer and Mr. Dunn, he did not use the word "domicile" in his verified legal complaint. The Plaintiff will fix that in this brief, as he believes that the locations that the Defendants have each resided for decades is, indeed, their domicile.

Legal Standards
28 USC § 1332

28 USC § 1332 provides as follows:

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

- (1) citizens of different States;
- (2) citizens of a State and citizens or subjects of a foreign state, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State;
- (3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and
- (4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different States. *28 USC § 1332(a)*

and

(c) For the purposes of this section and section 1441 of this title—

- (1) a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business. *28 USC § 1332(c)*

Parties

The Plaintiff has resided in Scottsdale, Arizona since 2019, and it is his domicile (*Exhibit A, Sworn Affidavit of Carl A. Wescott*).

Defendant Meridian Development Group, LLC, is incorporated in Nevada, and therefore Defendant Meridian Development Group, LLC is a citizen of Nevada (Plaintiff's verified legal complaint and *28 USC § 1332(c)(1)*).

Defendant Mr. Charles Dunn has lived in Napa Valley for over a decade, and has lived continuously in California for more than twenty-two (22) years (*Exhibit A, Sworn Affidavit of Carl A. Wescott*). Mr. Dunn has no other residences. Mr. Dunn not only lives in Napa Valley but has worked

1 for a Napa Valley based company for over five (5) years. Mr. Dunn's domicile is in California and
2 he is a citizen of California.

3 In discussions with Mr. Mercer, Mr. Mercer informed the Plaintiff that he had retired to
4 Mexico over twenty (20) years ago. Mr. Mercer had lived in the Rosarito, Mexico area just south of
5 the California/Mexico border for over a decade when the Plaintiff and he last discussed the issue. The
6 Plaintiff has been to Mr. Mercer's house in Rosarito, Mexico (*Exhibit A, Sworn Affidavit of Carl A.*
7 *Wescott*). The Plaintiff believes that Mr. Mercer's domicile is Rosarito, Mexico.

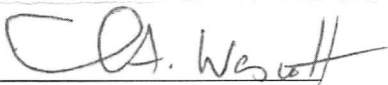
9 **Conclusion**

10 The Plaintiff is a citizen of Arizona, with his domicile in Arizona. The Defendants are citizens
11 of California, Nevada, and a foreign state (Mexico), meeting the definition in 28 USC § 1332(a)(3):

12 (3) citizens of different States and in which citizens or subjects of a foreign
13 state are additional parties; 28 USC § 1332(c)(1)

14 The Plaintiff asserts that we do therefore indeed have diversity of citizenship of the Parties in
15 this legal case.

16
17 RESPECTFULLY SUBMITTED on November 25th, 2022

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19 
20 Carl A. Wescott, *pro se*

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GROUP, LLC

Civil Action No. 22-CV-04651-DMR

**EXHIBIT A: SWORN AFFIDAVIT OF
CARL A. WESCOTT**

I, Carl A. Wescott, hereby swear under penalty of perjury of the laws of California and of the United States of America, that the following facts are true

1. I am 55 years old, and a resident of Scottsdale, Arizona.
2. I am competent to testify.
3. Were I to be called to testify in this matter, my testimony would be as follows, and until that point, my written testimony is as such:
4. All of the facts cited in my original legal complaint are true, to the best of my recollection.
5. I've lived in Scottsdale, Arizona since 2019.
6. I have no other home.
7. I am a citizen of Arizona.

EXHIBIT A: SWORN AFFIDAVIT OF CARL A. WESCOTT

1 8. My domicile is in Arizona.

2 9. Defendant Meridian Development Group, LLC, is incorporated in Nevada.

3 10. Defendant Mr. Charles Dunn has lived in Napa Valley for over a decade

4 11. Mr. Dunn has lived continuously in California for more than twenty-two (22) years.

5 12. Mr. Dunn not only lives in Napa Valley but has worked for a Napa-Valley-based company for
6 over five (5) years.

7
8 13. In discussions with Mr. Mercer, Mr. Mercer informed me that he had retired to Mexico over
9 twenty (20) years ago.

10 14. Mr. Mercer had lived in the Rosarito, Mexico area just south of the California/Mexico border for
11 over a decade when we last discussed this.

12 15. I've been to Mr. Mercer's house and I believe that his domicile is his residence.

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14
15 FURTHER AFFIYANT SAYETH NAUGHT

16
17 

18 Carl A. Wescott

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Carl Wescott
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scottsdale, AZ 85258



First Class

Accepted:

11/27/22, 7:11 AM (EST-05:00)

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